

MINUTES  
TOWN OF MILLIKEN  
TOWN BOARD OF TRUSTEES  
Milliken Community Complex  
February 22, 2006  
7:00 p.m.

Attendance: Mayor Linda Measner, Mayor Pro-Tem Janie Lichtfuss, Trustees Pat Onorato, Milt Tokunaga, Roger Frank, Gary Frank and Peggy Wakeman. Also present were Town Engineer Larry Ketcham, Finance Director Diana Vasquez, Public Works Director Mike Woodruff, Police Chief Jim Burack, Senior Coordinator Lois Ann Onorato, Town Clerk Gayle Martinez. Town Manager J.R. Schnelzer, Town Attorney Bruce Fickel, press and audience were also present.

**PUBLIC HEARINGS**

**JJ'S Auto Parts Site Plan Review** – Town Planner Ortiz reported that the Luna's are proposing to add a 25' x 52' addition to the back of their building to create more room for inventory and services and to "clean up" the area behind the existing building. The addition will tie into the existing structure and will be stuccoed on the exterior. The addition will be slightly visible from Broad Street, as it is adjacent to a vacant lot. Planner Ortiz went on to state that no buildings or structures infringe on easements, and the proposed site grading is consistent with the Milliken Master Drainage Plan. The density and dimensions shown conform to the Town's Density and Dimensional Standards. The applicable Community Design Principles and Development standards have been adequately addressed. Planner Ortiz noted that parking is adequate for this business. There will typically be no more than 2 employees and 2 customers at a time; the employees will park inside the new addition and there are two on-street parking spaces for customers. Mr. Luna said it is also common for customers to walk over after they've gotten their mail at the post office. Planner Ortiz noted that the Town Engineer had commented that the applicant must obtain the Town Engineer's approval before installing the floor drain. The drain must contain an oil trap with a sand separator. Planner Ortiz stated that staff and Planning Commission recommend that the Town Board of Trustees approve this application subject to the two staff conditions, which are include the applicant showing where the sewer and water line connects to the building on the site plan, and obtaining the Town Engineers' approval before installing a floor drain. In closing, Planner Ortiz noted that the Luna's were present for any questions. Trustee Frank asked if any of the adjacent property owners had any complaints. Planner Ortiz noted that there were no objections from adjacent property owners.

**Platte Sand and Gravel Use by Special Review**

*\*Trustee Onorato stepped down from the discussion as he is a member of the Planning Commission\**

Town Planner Ortiz gave a brief refresher on the Platte Sand and Gravel project since it had previously been presented to the Board. Planner Ortiz noted that the applicant

withdrew part of their original application. Changes include the applicant only doing one asphalt and one concrete plant on the south side of the river, they are not asking to extend hauling hours, and they are withdrawing the varmint control and hunting variance.

Planner Ortiz noted that Weld County Public works had the following concerns:

1. WCR 38 (between WCR 23 and Hwy. 60 – approx. 2 miles): This road is specifically addressed in the Agreement. The road was recently chip-sealed by the applicant as a requirement of the improvements agreement for the existing gravel mining operation. The applicant is not in compliance with the agreement, as the required road shoulder widening has not been completed and they have neither provided collateral to ensure maintenance of the existing chip seal nor collateral to ensure future construction of a concrete or asphalt paved hard surface roadway. The agreement provides that a hard surface will be completed by December 2007 unless the County determines that chip seal surface is sufficiently serviceable to allow extension of the deadline, for no more than two years. However, the chip seal is already failing and will certainly not hold up with the additional truck traffic, so the County recommends that the surfacing project be completed during 2006 as the additional traffic will warrant this work being performed before additional traffic is added to the roadway.
2. Highway 60 (near WCR 46 intersection): It appears that the existing guardrail along Hwy. 60 will make it difficult for trucks turning right from WCR 46 onto Hwy. 60 and may need to be relocated. This determination, as well as other intersection improvements that may be necessary, will need to be made by CDOT.
3. WCR 46 (between Hwy. 60 and Milliken Town limits – approx. 1.5 miles): This is an existing gravel roadway that will need to be paved by the applicant.
4. Enter into an agreement with Weld County and the Town of Milliken re: road improvements.

#### **MILLIKEN FIRE PROTECTION DISTRICT/PLATTEVILLE-GILCREST FIRE PROTECTION DISTRICT**

Staff met with representatives from both districts. Both MFPD and PGFPD indicated that they had insufficient information to comment on the application.

#### **COLORADO DIVISION OF WILDLIFE COMMENTS**

The South Platte corridor is a known winter roosting site. There can be no disturbance within 0.25 mile of the eagle buffer area (as set forth in the Division of Minerals and Geology 112 permit). They recommend contacting US Fish and Wildlife Service regarding the mitigation aspects of disturbing the existing roost site.

1. The 112 Reclamation permit restricts the hours of operation to 9:00 a.m. to 4:00 p.m. due to the eagles in the area. CDOW does not support any increase in hours of operation due to the impact on wildlife.
2. If fences are used they must allow for the free passage of wildlife. Fencing plans should avoid the use of woven wire-type fences that will trap or prevent movement of wildlife. CDOW prefers three- or four-strand fencing with a bottom strand height of 17 inches and a maximum top strand height of 42 inches, along with installation of double stays between posts.

3. They highly recommend that the applicant be required to establish a detailed monitoring program for review by outside entities (e.g. CDOW, US Environmental Protection Agency, US Army Corps of Engineers) to prevent drawdown of groundwater levels in all wetlands, riparian habitat and cottonwood groves adjacent to the proposed mining activity.
4. The applicant must conduct a burrowing owl survey between March and October prior to disturbing any prairie dog habitat.

Potential negative impacts of the USR on the rest of the neighborhood next to the USR have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address:

- a. Traffic
- b. Activity levels
- c. Light
- d. Noise
- e. Odor
- f. Building type, style and scale
- g. Hours of operation
- h. Dust
- i. Erosion control, and
- j. Effect on neighborhood character.

**Tim Pike** with Platte Sand and Gravel noted that his company has withdrawn their request for the North Plants, the hunting variance and the modified hours. Mr. Pike went on to state that they would come to the Board to ask for a variance on hours only if they had a special job.

Mr. Pike noted that each plant will create 20 jobs. It was also noted that the Town has a right to materials from the concrete processing plant as a royalty.

Mr. Pike showed on a map that the distance to the closest neighbor is approximately ½ mile. He went on to state that the plant denies the perception that they have been a bad neighbor. The company has installed “white noise” back up alarms on the vehicles to reduce the noise. Mr. Pike shared results of a sound study noting that they have never been found in violation by the State. In answer to being detrimental to horse boarding he stated that the plant is over a mile away from the boarding facility. Mr. Pike went on to show a video which showed road conditions, the white noise beepers in operation, along with intersections and traffic concerns.

Mr. Pike listed benefits to the Town from these plants as being 1% in royalties which would be approximately \$20,000.00 per year. Mr. Pike went on to say that if the Town approved the Use by Special Review tonight that Platte Sand and Gravel would guarantee the Town \$15,000 no matter what their sales were.

**Bruce Rippe** of 11419 Weld County Road 36 spoke representing a large number of his neighbors. Mr. Rippe asked that the Town Board respectfully honor the Planning Commission's denial and would still ask for denial even with the items Platte Sand and Gravel has withdrawn. Mr. Rippe noted that they are a rural neighborhood that have invested their farms and dreams in the neighborhood. Mr. Rippe believes that the liabilities far outweigh the benefits of this Use by Special Review. The neighbors are at risk daily from fugitive dust, noxious fumes, potential ground water contamination, truck traffic on bus routes, and safety of students receiving riding lessons.

Mr. Rippe went on to state that Platte Sand and Gravel had been late in posting their bond, and that they are also known as Central Ready Mix in Denver and Lakewood, Colorado. On April 26, 2004, Lakewood passed a new 13-page ordinance dealing with Central Ready Mix. In response Lakewood has a permanent injunction against Central Ready Mix. Mr. Rippe passed out a synopsis of Lakewood's file.

**Mr. Eisenbach** with Weld County Public Works expressed his Weld County Road 38 concerns. He noted that Platte Sand and Gravel is not in compliance and has not posted collateral, and not completed the road widening, but is working on it. Mr. Eisenbach went on to state that if this variance is approved, Platte Sand and Gravel must be required to pave the road before starting operations. He offered that perhaps a three way agreement could be worked out between the County, Town and Platte Sand and Gravel.

**Stan Odenbaugh** of 1001 Weld County Road 38 voiced his concerns about noise stating that the trucks on Mr. Pike's video were loaded trucks. The main noise concerns are with the empty trucks.

**Ron Pross** of Loveland Colorado noted that he works for Platte Sand and Gravel and that having a local company to work with is a lot better then if an overseas company would come in to run the operations. He is in favor of the Use by Special Review, and notes that the company has to be in compliance to run.

**Norman Swank** 16543 Road 23 commented on the two major gas lines across 23. He is concerned that they are not deep enough and that eventually the traffic will cause an eruption of the gas lines.

**Delbert Bernhardt** 11269 Highway 26 understands both sides of the fence. He thinks that things can be worked out. He noted that, by driving by the homes several times a day, that he and other drivers would notice anything out of the ordinary, and would not hesitate to report something to the Police Department or help a neighbor in need.

Mayor Measner closed the public hearing at 8:30 p.m.

### **REGULAR MEETING**

Mayor Measner called the regular meeting to order at 8:31 p.m.

## **PLEDGE OF ALLEGIANCE**

Mayor Measner led the audience in the Pledge of Allegiance

## **ADDITIONS TO THE AGENDA**

Town Clerk Martinez asked to pull the item E, Resolution #106-02 Authorizing the Agreement with the GOCO Grant; item F, the Milliken Community Park Phase II GOCO Grant; and item I, Annual Review for Use by Special Review for the Gavitos, and item K, the Annual Review for Use by Special Review for the Pfannenstiels. Mayor Measner asked to have item M changed to Appointment to Milliken Housing Authority.

## **AUDIENCES WITH INDIVIDUALS**

**Julie Cozad** of 1817 Saddleback noted that during a recent trip to Mexico her garage door had come open. The neighbors called the Police who checked and secured her home. She wanted to publicly thank her neighbors, Milliken Police Department and Sergeant Garcia.

## **REPORTS FROM BOARD MEMBERS REGARDING OTHER MEETINGS**

Trustee Peggy Wakeman reported that she attended the CDOT meeting on February 23<sup>rd</sup>. Trustee Wakman noted that there is a bid out for the widening of I-25 to six lanes from Highway 52 to Highway 66.

Mayor Pro-Tem Lichtfuss gave a brief report on the first Milliken Housing Authority meeting. Mayor Pro-Tem Lichtfuss reported that officers had been elected as follows: Chair Janie Lichtfuss, Vice-Chair Peggy Wakeman, and Secretary-Treasurer Milt Tokunaga. Mayor Pro-Tem Lichtfuss also noted that two more appointments will be made this evening to the Authority.

## **CONSENT AGENDA**

**Approval of the final list of bills for February 22, 2006, and approval of minutes for February 8, 2006.**

**Motion** to approve was made by Trustee Roger Frank, seconded by Mayor Pro-Tem Lichtfuss.

Discussion: Mayor Measner noted that there was an error on the spelling of Ted Bajgert's name that needed to be corrected. Clerk Martinez made note of the spelling correction.

**Vote:** All in favor none opposed motion carried.

## **ACTION AGENDA**

**JJ's Auto Parts Site Plan Review**

Town Planner Danna Ortiz reported that Staff and Planning Commission recommend approval of the 22'x52' addition to their business subject to the two staff conditions.

**Motion** to approve subject to staff conditions was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Gary Frank.

**Vote:** All in favor none opposed motion carried.

**Platte Sand and Gravel Use by Special Review for Two Batch Plants, Two Asphalt Batch Plants, a Recycling Plant, a Hunting Variance and Extend Hauling Hours to 24 Hours per Day**

*\*Trustee Onorato again stepped down from the discussion due to his being on the Planning Commission.\**

Town Planner Ortiz noted that the request had been changed to just one batch plant, one asphalt batch plant, no extended hours and no hunting variance.

Town Attorney Bruce Fickel stated that a lot of issues had been resolved this evening, and in this new light he would suggest a mediation with a third party. Perhaps postpone the decision for a month and perhaps a resolution could be reached between Platte Sand and Gravel and its neighbors.

**Motion** to postpone a decision for one month while the involved parties can perhaps iron out their differences and come back for the Board to reconsider was made by Mayor Pro-Tem Janie Lichtfuss, seconded by Trustee Wakeman.

**Discussion:** Trustee Gary Frank noted that he felt that the meeting needs to be a set and structured meeting to make sure it occurs. Trustee Tokanuga felt that this item should go back to the Planning Commission before coming back to the Board. Mayor Pro-Tem Lichtfuss amended her **motion** to read that action would be postponed for one month while all parties resolve differences, and then return to the Planning Commission before returning to the Board.

**Vote:** All in favor none opposed motion carried.

*\*Trustee Onorato abstained from voting\**

**Dove Valley Senior Housing GOCO Grant**

Parks Director Donna Derrera asked the Board to support the \$31,500 grant request from GOCO. There would be a \$4,500 cash match and a \$9,000 non-cash match to be made by the Town.

**Motion** to approve the project and support the GOCO Grant request in the amount of \$31,500 for the Dove Valley Pocket Park was made by Mayor Pro-Tem Janie Lichtfuss, seconded by Roger Frank.

**Vote:** All in favor none opposed Motion carried.

### **Milliken Tree Committee Appointments**

**Parks Director Donna Derrera** noted that according to the Tree Ordinance, and to meet the requirements to maintain the Town of Milliken's Tree City USA status, a volunteer Tree Committee must be appointed each year.

**Motion** to appoint Sonia Buffington, Peggi Franks, Wesley Speck and Kevin Hovland to serve as volunteers on the Milliken Tree Committee was made by Trustee Wakeman, seconded by Trustee Onorato.

**Vote:** All in favor none opposed motion carried.

### **Discussion of KQA Park**

Town Engineer Larry Ketcham noted that earlier in the evening, the designers at Civil Resources provided the Board with an update on the KQA Park with ideas on phasing and amenities. Engineer Ketcham asked if the program is close to the Board's goal and if the list of features is reasonable. Trustee Tokunaga asked if the Town needed to cut some amenities, would that be possible. Engineer Ketcham noted that they can certainly juggle some items and change the phases. Trustee Wakeman commented that with native grass being used, they need to make sure that it does justice to the amount of work and money put into the park. Mayor Measner noted that the plan is beautiful, and that for the phasing, the Town will have to find the money. Trustee Gary Frank noted that perhaps the bridge could be taken out of the plan and replaced with a culvert to carry the water and then back fill over the culvert to save money on the bridge and create additional parking. Engineer Ketcham asked if the Board was okay with a historical theme for the park. Consensus was yes. Engineer Ketcham then asked about naming the park. Mayor Pro-Tem Lichtfuss felt that the name should be of the person who owned the land originally and name it Sappington Park. Trustee Wakeman noted she did not object to the name but perhaps the Board should think about a name for a few weeks. Trustee Roger Frank noted that he liked the name as the land had always been referred to as Sappington Farms. Trustee Gary Frank agreed with the name. Board Consensus was to name the park Sappington Park.

### **Annual Review for Use by Special Review Parking of Tractor-King**

Nancy King was present and was asked by Mayor Pro-Tem Lichtfuss if there had been any changes. Ms. King responded that there had been no changes. Trustee Gary Frank if asked if the Police Chief had any complaints. Police Chief Burack answered that there had been no complaints.

Motion to approve the annual review was made by Mayor Pro-Tem Lichtfuss, seconded by Trustee Onorato.

**Vote:** All in favor none opposed motion carried.

**Appointment to Town of Milliken Housing Authority**

Mayor Measner appointed Ted Bajgert and Lois Ann Onorato to the Authority.

**Executive Session for a Personnel Matter**

**Motion** for the Board and Town Attorney Fickel to go into Executive Session for legal advice and receive a report on negotiations of a personnel matter was made by Trustee Onorato, seconded by Trustee Wakeman.

**Vote:** All in favor none opposed motion carried.

**Back in Session at 11:00 p.m.**

**Executive Session for a Personnel Issue**

**Motion** to go back into Executive Session to discuss a personnel matter and include Town Administrator Schnelzer, Administrator Schnelzer's attorney Jay Jester, and Lisa Schnelzer, was made by Trustee Onorato, seconded by Trustee Wakeman.

**Vote:** All in favor none opposed motion carried

**Back in Session at 11:45 p.m.**

**Mayor Measner announced that an Executive Session would be held on March 9<sup>th</sup> at 7:00 p.m. for a personnel hearing.**

**Adjournment**

Mayor Measner adjourned the meeting at 11:46 p.m. as there was no further business.

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Gayle Martinez, Town Clerk

Approved by the Board of Trustees

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Linda L. Measner, Mayor